

3.11 Environmental Justice

The concept of environmental justice embraces two principles: (1) fair treatment of all people regardless of race, color, nation of origin, or income and (2) meaningful involvement of people in communities potentially affected by program actions. Executive Order 12898 requires all Federal agencies to conduct programs, policies, and activities that subsequently affect human health or the environment in a manner that ensures that such programs, policies, and activities do not have an effect of excluding persons (including populations) from participation in or denying persons the benefits of those programs, or subjecting persons to discrimination because of their race, color, or national origin. Section 1-101 requires Federal agencies to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of programs on minority and low-income populations.

State law defines environmental justice in Government Code Section 65040.12(e) as the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. Government Code Section 65040.12(a) designates the OPR as the coordinating agency in State government for environmental justice programs, and requires OPR to develop guidelines for incorporating environmental justice into general plans.

3.11.1 Affected Environment

The Proposed Action and its Intertie facilities are located in eastern Alameda County just outside the San Joaquin County line. The percentage of minorities residing in the counties is 35.8 and 45.4 respectively. For the State of California, 35.7% of the population is considered to be of a minority race. Table 3.11-1 illustrates the percentage of races residing in Alameda and San Joaquin Counties. Percentages for the State of California are also included for comparison purposes.

Table 3.11-1. Race/Origin Characteristics, Census 2000 (%)

	Alameda County	San Joaquin County	State of California
Race			
White	48.8	58.1	59.5
Black or African American	14.9	6.7	6.7
American Indian and Alaska Native	0.6	1.1	1.0
Asian	20.4	11.4	10.9
Native Hawaiian, Other Pacific Islander	0.6	0.3	0.3
Some Other Race	8.9	16.3	16.8
Two or more races	5.6	6.0	4.7
Origin			
Hispanic	19.0	30.5	32.4

Percentages may total more than 100% because individuals may report more than one race. Hispanic is considered an origin by the Census Bureau. Therefore, those of Hispanic origin are also counted in one of the race categories.

Source: U.S. Department of Commerce, Census Bureau 2003a.

As shown in Table 3.11-2 below, 7.7% of households in Alameda County and 13.5% of households in San Joaquin County were determined to have an income in 1999 below the poverty level. The State of California had 10.6% of households below the poverty level during the same period.

Table 3-11-2. Household Poverty Status in 1999 (%)

	Alameda County	San Joaquin County	State of California
Percent below poverty level	7.7	13.5	10.6

Source: U.S. Department of Commerce, Census Bureau 2003b.

3.11.2 Approach

Methodology

The following methodology is based on the EPA's Environmental Justice Guidance (U.S. Environmental Protection Agency 1998). The EPA's Environmental Justice Guidance states that "[m]inority populations should be identified where either (a) the minority population of the affected area exceeds 50 percent or (b) the population percentage of the affected area is meaningfully

greater than the minority population percentage in the general population or other appropriate unit of analysis.” As such, demographic data for the San Joaquin County was compared to demographic data from the next highest unit of analysis, the State of California, to determine whether that specific area had a “meaningfully greater” percentage of minority or low-income population.

Potential environmental justice impacts were analyzed by comparing census data from the project location—Alameda County—with data from neighboring San Joaquin County and the State of California. Data were collected primarily from the U.S. Census Bureau 2000 Census. The population data that are key to the analysis of Environmental Justice include the following race, income, and age characteristics:

- percent of minority population (Black or African American; American Indian and Alaskan Native; Asian; Native Hawaiian and Other Pacific Islander; some other race; and two or more races);
- percent of persons of Hispanic origin; and
- percent of population below the poverty level.

These data are presented in the previous section.

For this analysis, resource sections of this EA/IS were reviewed to identify any significant effects and the areas affected by those significant effects. The following questions were then applied:

- Is there a significant, adverse, unmitigable effect?
- Does the potentially affected population include minority or low-income populations?
- Would the significant, adverse environmental or human health effects be likely to fall disproportionately on minority or low-income populations?

Significance Criteria

Effects on environmental justice were analyzed using the same significance criteria applied in the CALFED PEIS/EIS (2000). The following significance criteria were used to determine whether adverse human health effects are disproportionately high:

- whether the health effects, which may be measured in risks and rates, are above the generally accepted norms (adverse health effects may include bodily impairment, infirmity, illness, or death);
- whether the risk or rate of exposure by a minority population or low-income population to an environmental hazard appreciably exceeds or is likely to appreciably exceed the risk to or rate of the general population or appropriate comparison group; and

- whether health effects occur in a minority population or low-income population affected by cumulative or multiple adverse exposures from environmental hazards.

The following factors were considered when determining adverse exposures from environmental hazards:

- whether there is or will be an impact on the natural or physical environment that adversely affects a minority or low-income population;
- whether environmental effects are significant and may result in an adverse effect on minority or low-income populations that appreciably exceeds or is likely to appreciably exceed the effect on the general population or other appropriate comparison group; and
- whether the environmental effects occur or would occur in a minority or low-income population affected by cumulative or multiple adverse exposures from environmental hazards.

3.11.3 Environmental Consequences

No Action Alternative

Under the No Action Alternative, the Intertie would not be constructed or operated. The CVP would continue to operate under current conditions. No environmental justice impacts would occur.

Proposed Action Alternative

The Proposed Action would allow the CVP to pump more often at or near its authorized pumping capacity of 4,600 cfs at the Tracy Pumping Plant. All environmental or human health impacts for this action have been determined to be less than significant as described in previous sections of this EA/IS. No population, including minority or low-income populations, would bear a significant environmental or human health impact. Therefore, impacts related to environmental justice are considered less than significant.

3.11.4 Cumulative Effects

As stated above, the Proposed Action would not cause any significant impacts associated with environmental justice. As a result, the Proposed Action would not contribute to cumulative effects with regard to environmental justice.